

Commonwealth of Massachusetts.



OFFICE OF THE STATE BOARD OF HEALTH,

STATE HOUSE, BOSTON, May, 1877.

DEAR SIR,

I have taken the liberty to send you a Draft
of a proposed Bill on the Pollution of Streams, which I hope
you will be kind enough to look over, criticise, and return
at your convenience.

In behalf of the State Board of Health,

Very respectfully yours,

CHARLES F. FOLSOM, M.D.,

Secretary.



SECTION 1. No individual or corporation, and no authorities of any city or town, or public institution, shall discharge, or cause to be discharged, or knowingly permit to be discharged into any stream, pond or lake in this Commonwealth any solid refuse, including saw-dust, ashes, cinders, etc., or any solid polluting substance, so as either singly or in combination with other similar acts of the same party or of any other party to interfere with its volume, or flow, or pollute its waters; *provided*, that such interference with the volume or flow of any body of water be not for the purpose of permanently narrowing or filling channels, streams or ponds with a view of making sanitary or other improvements. But this prohibition shall not apply to liquids containing not more than one per cent of solid matter in suspension.

SECTION 2. No stream or pond shall be wholly or in part filled with solid matter for the purpose of making improvements, or for any other reason, in any city or town, without the written authority or permission of the mayor and aldermen or of the selectmen of said city or town, approved by the State Board of Health, excepting in such cases as are already provided for by existing laws.

SECTION 3. No individual or corporation or authorities of any city or town or public institution shall discharge or cause to be discharged or knowingly permit to be discharged into any stream, pond or lake in this Commonwealth now used as a source of domestic water supply, any sewage or liquid refuse containing excrement, or any soiled water which has been used in or about dwellings, over and above what is so discharged at the time of the passage of this act; *provided*, such discharge in the case of running streams, used as water supplies, or emptying into streams or ponds used as water supplies, be within fifteen miles of and above the point at which such water supply is taken.

SECTION 4. No individual or corporation or authorities of any city or town or public institution shall add or cause to be added, or knowingly permit to be added to the quantity of refuse organic matter discharged into any stream or pond in this Commonwealth now used for drinking purposes, within ten miles above the point where such supply is taken, or of refuse mineral matter within five miles above said point.

SECTION 5. No individual or corporation and no authority of any city or town or public institution situated on or near any pond or stream in this Commonwealth hereafter used as a source of domestic water supply, shall, from that time forth, increase or cause to be increased or knowingly permit to be increased the amount of refuse of any kind, including effluent water from manufactories, towns, sewage-works, etc., discharged into such pond or stream, unless with the approval of, and in the manner prescribed by the State Board of Health.

SECTION 6. No individual or corporation and no authority of any city, town or public institution shall discharge or cause to be discharged or knowingly permit to be discharged from any manufactory, house, or buildings of any kind established or built after the adoption of any pond or stream in this Commonwealth as a source of domestic water supply, any refuse organic matter into said pond or stream within twenty miles above such point of water supply, and no mineral refuse matter within ten miles above said point. This prohibition, so far as is not provided for in preceding sections, shall not apply to present sources of water supply.

SECTION 7. No individual or corporation and no authorities of any city or town or public institution shall add or cause to be added, or knowingly permit to be added to the amount of refuse or polluting substance discharged into any pond or stream in this Commonwealth not used as a source of domestic water supply, without the written permission of the mayor and aldermen or of the selectmen of the city or town in which said discharge is intended, and with the approval of the State Board of Health; and it shall be in the power of said mayor and aldermen or selectmen, with the approval of the State Board of Health, to prescribe under what conditions, where such are deemed by them necessary, any polluting substances may be allowed, in any given case, to enter a pond or stream.

SECTION 8. In cities and towns supplied with sewers, said cities and towns shall allow the sewage of manufactories to be discharged through the public sewers: *provided*, such sewage contain no poisonous chemicals, and no substances injurious to the structure of said sewers, or causing such obstructions in them as can be remedied only by means not necessary for ordinary sewage.

SECTION 9. Whenever any serious offence exists from the pollution of any pond or stream within the State, the State Board of Health may, if in their judgment the public health or the public comfort and convenience shall require, order any person or persons, or authorities of any city or town to cease and desist from such pollution, or to cleanse or purify, by means satisfactory to said Board of Health, the polluting substances before being cast into said pond or stream; *provided*, that on any application to said Board to exercise the powers in this section conferred upon them, a time and place for hearing the parties shall be assigned by said Board, and due notice thereof given to the party against whom the application is made; and the order hereinbefore provided shall only be issued after such notice and hearing.

SECTION 10. Any party feeling aggrieved by any decision of the State Board of Health in accordance with the provisions of the preceding sections, may petition the legislature for the reversal or modification of such decision.

SECTION 11. Any person or persons violating any of the provisions of this law shall forfeit a sum not exceeding two hundred dollars for every month he or they continue to act in violation of said law.

SECTION 12. The supreme judicial court, or any one of the justices thereof in time of vacation, shall have power to enforce the provisions of this act.

SECTION 13. His excellency the governor, with the advice and consent of the council, shall appoint a State Engineer, to be *ex officio* a member of the State Board of Health, to serve seven years, and to be paid from the state treasury the sum of three thousand dollars per year, and all necessary travelling expenses; and no plans for water supply or sewerage shall be adopted by any city or town or public institution until they shall have been examined and approved by said Engineer. Every city or town consulting said State Engineer, shall pay therefor to the treasury of the Commonwealth, a sum assessed and deemed to be due by the treasurer of the State upon consultation with the State Board of Health. Said State Engineer shall be liable to removal from office at any time by his excellency the governor, and council, for cause shown.

SECTION 14. This act shall take effect on the first day of January, 1879, and all other acts and parts of acts inconsistent therewith are hereby from that date repealed.